United Nations S/2016/1054

Security Council

Distr.: General
19 December 2016

Original: English

Uruguay: draft resolution

The Security Council,

Reaffirming its determination to combat impunity for all those responsible for serious international crimes and the necessity of all persons indicted by the International Tribunal for the former Yugoslavia ("ICTY") being brought to justice,

Recalling its resolutions 827 (1993) of 25 May 1993, 1503 (2003) of 28 August 2003, 1534 (2004) of 26 March 2004, 1966 (2010) of 22 December 2010, 2256 (2015) of 22 December 2015 and 2306 (2016) of 6 September 2016,

Recalling the appointment of Judge Burton Hall by the Secretary-General as a judge of the ICTY to be assigned on an ad hoc and temporary basis to the Appeals Chamber,

Taking note of the letter to the President of the Council from the Secretary-General dated 11 November 2016 (S/2016/959), attaching a letter from the President of the ICTY dated 4 November 2016,

Taking into account the assessment by the ICTY in its Completion Strategy Report (S/2016/976), and the trial and appeal schedules,

Noting the concerns expressed by the President of the ICTY about staffing, and *reaffirming* that staff retention is essential for the most expeditious completion of the ICTY's work,

Having regard to Article 16 of the Statute of the ICTY,

Having considered the nomination by the Secretary-General to reappoint Mr. Serge Brammertz as Prosecutor of the ICTY (S/2016/959),

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* its request to the ICTY to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the International Residual Mechanism for Criminal Tribunals ("the Mechanism") and, in light of resolution 1966 (2010), to redouble its efforts to review its projected case completion dates with a view towards shortening them as appropriate and to prevent any additional delays;

2. *Takes note* of the commitment of the ICTY to complete its judicial work no later than 30 November 2017;

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3. *Takes note* of the request of the President of the ICTY for a final extension of the terms of office of the permanent judges of the ICTY, until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner, and *strongly emphasizes* that the following extensions and reappointment should be final;

4. *Decides* under this condition:

(a) To extend the terms of office of the following permanent judges of the ICTY, who are members of the Trial Chamber and the Appeals Chamber, until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner:

Carmel Agius (Malta)
Liu Daqun (China)
Christoph Flügge (Germany)
Theodor Meron (United States of America)
Bakone Justice Moloto (South Africa)
Alphons Orie (The Netherlands)
Fausto Pocar (Italy)

(b) To reappoint Mr. Serge Brammertz as Prosecutor of the ICTY, notwithstanding the provisions of Article 16, paragraph 4, of the Statute of the ICTY related to the length of the term of office of the Prosecutor, for a term with effect from 1 January 2017 until 30 November 2017, which is subject to earlier termination by the Security Council upon the completion of the work of the ICTY;

5. *Decides* to extend the term of office of Judge Carmel Agius as President of the ICTY until 31 December 2017 or until one month after the completion of the cases referred to in paragraph 4 above, if sooner;

6. *Underlines* that States should cooperate fully with the ICTY, as well as with the Mechanism;

7. *Commends* the Office of Internal Oversight Services (OIOS) for the evaluation and recommendations made pursuant to resolution 2256 (2015), issued in the Report of the OIOS on Evaluation of the Methods and Work of the ICTY (S/2016/441), and *encourages* the ICTY to continue reporting on its implementation in its next six-monthly report to the Council on progress towards implementation of the ICTY Completion Strategy, without prejudice to the primacy given to the completion of its work;

8. *Welcomes* the adoption of the "Code of Professional Conduct for the Judges of the Tribunal", and *emphasizes* the importance of developing a disciplinary mechanism for judges;

9. *Decides* to remain seized of the matter.